

STATEMENT OF JOHN CONYERS, JR.  
“H.R. 2926, Air Transportation System Stabilization Act”  
September 21, 2001

I have a number of procedural and substantive concerns regarding the legislation before us.

In short, there has been almost no semblance of fair or deliberate procedure on the legislation. We have had no committee markup. We had no committee hearings on the bill. The bill itself was drafted in the dead of night, and has not been available to most members until a few hours before the vote. This is not the way we should legislate on a minor piece of legislation, let alone a major bill that impacts our entire airline industry.

If this issue is so important, why are we voting so late this Friday evening, without time to review or consider these serious measures? Why not take the time to read this legislation carefully? In our desperation to help our fellow citizens, we are rushing to judgment without recognizing of the complexity or importance of these issues.

In terms of substance, I also have grave concerns about the dollar amount we are giving to the airline carriers, \$ 15 billion – \$5 billion in direct aid and \$10 billion in loan guarantees. First, we have no idea how the Members reached this dollar amount.

Second, we all know that the industry has and will face massive layoffs. More than 100,000 will be laid off in the industry, and Northwest announced 10,000 today. Yet the bill does not guarantee that a single employee will be rehired or will not be laid off. This is why the working men and women of America cannot support the bill.

Third, the bill does nothing to rehire the workers from the ancillary impacted industry – the airport workers, the hotel workers and the like. And what about the sky caps who work at substandard wages? The no security requirements mean they are totally out of the jobs. What does this bill do for them? Nothing.

I support the airline industry – but its needs must be balanced against all of our other priorities. Certainly, the air carriers need assistance but do they need it at

the cost of medicare and social security? As much as we think this legislation is needed, we must balance it with all of our of priorities and not sacrifice all of our priorities for the sake of one.

Finally, I would like to speak to the liability provisions of the bill. As Ranking Member of the Judiciary Committee, I was intimately involved in the crafting of Title IV, and I am happy to report that I can support this aspect of the legislation.

The key provision creates a victim compensation plan, which provides individuals, present during the September 11, 2001 terrorist-related aircraft crashes at the World Trade Center, the Pentagon, or site of the aircraft crash in Shanksville, Pennsylvania, or the passengers and crews of aircrafts involved in terrorist-related aircraft crashes, with due compensation. The legislation would provide compensation to any individual who was physical injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001. Specifically, the legislation authorizes a Special Master, appointed by the Attorney General, to review claims, within 120 days, submitted by claimants.

These claims would include the harm suffered by the claimant or information regarding the death of the deceased, whether the claim is filed on the behalf of a decedent, information of the claimants possible economic and non economic loss and information regarding collateral sources of compensation the claimant has received or could receive. By submitting a claim, the claimant waives the right to file or be a party to a civil action for damages as a result of the events on September 11, 2001. If an individual is a party to or has filed a civil action, that action must be withdrawn 90 days after the regulations regarding this Title are promulgated. Ninety days after the date of enactment, the Attorney General, in consultation with the Special Master, will promulgate regulations to carry out this compensation plan.

The Special Master may not include amounts for punitive damages in any compensation packages. In addition, the Special Master will not consider negligence or any other theory of liability. Only one claim may be filed and no claim may be filed two years after the date of enactment. Twenty days after the Special Master makes a determination of the amount of compensation due, the payment is authorized.

Finally, Section 409(b) of the legislation creates a Federal cause of action for damages arising out of the hijacking and subsequent crashes of September 11, 2001.

This cause of action will be the exclusive remedy for damages arising out of the terrorist attacks. Thus, individuals who elect not to be part of the victim compensation plan under this legislation have this Federal cause of action to claim damages.

To help in the effort of aiding victims in receiving compensation, the Association of Trial Lawyers of America, has volunteered to provide legal services of its members, free of charge, under this program. I am attaching a copy of the letter to my statement. I commend the association for their extraordinary response to this extraordinary situation.